

**DESIGNED FOR SCHOOL STAFF**  
**INSTRUCTIONS FOR COMPLETING HABITUAL TRUANCY FORM**

This guide is designed to assist school staff in completing the truancy forms. Please review the instructions carefully. There is pertinent information needed before a referral can be processed. Lack of information can delay the referral from being forwarded to the appropriate county worker.

**Determining Truancy:**

Under law, a **habitual truant** is defined as a person under the age of 16 who is absent from attendance at school without lawful excuse for seven full days if the child is in elementary school or for seven full or partial days for a child in middle school, junior high or high school. Children ages 16 and 17 who have missed seven full or partial days without lawful excuse will be considered truant if they are not lawfully withdrawn from school with their parent's permission. Children under age 12 who have missed without lawful excuse seven full days are generally referred to social services for an educational neglect assessment.

**An Invalid Excuse May Include:**

- ☐ Staying home to baby-sit
- ☐ Being tired
- ☐ Cold weather
- ☐ Missed bus
- ☐ Work
- ☐ Needed at Home
- ☐ Travel/Vacation (if not preapproved by school)
- ☐ Child is not immunized
- ☐ Runaway

**A Valid Excuse May Include:**

- ☐ Religious holiday
- ☐ Family emergency
- ☐ Illness (unless otherwise notified by mail that doctor or nurse verification is needed)
- ☐ Doctor's visit including mental health

**These are not considered as truancies:**

- ☐ Non-attendance of detention
- ☐ Non-attendance of Saturday School
- ☐ Non-attendance when suspended from School
- ☐ Non-attendance of homework helper
- ☐ Sleeping in class
- ☐ Non-participation in class

**Note: If the school sees a pattern of the parent(s)/guardian(s) enabling the child by excusing them as ill, we encourage the school to send a letter to the parent(s)/guardian(s) advising them that future illnesses need to be verified by the school nurse or by doctor's note. In extreme cases, the letter can specify that the doctor's note must indicate the illness and verify that the child should not have been in school. Lacking this letter, illnesses claimed by parents cannot be counted as truancy.**

### **Determining Which Form to Use:**

You will find two separate habitual truancy forms. One is the **initial truancy form** and the other is **continuing truancy form**.

The **initial truancy form** is used when a child has never been referred to us for truancy, or was not referred for the previous school year. It requires that the child has been absent for seven full or partial days without a valid excuse.

The **continuing truancy form** is used when a truancy referral was submitted either the previous school year, or the current school year. It requires that the child has been referred before for truancy, and has had three additional unexcused absences. This form should be completed and referred in for every three additional unexcused absences.

### **Completing the Notice of Initial Habitual Truancy Form:**

It is extremely important to complete all information on the form. Excluding pertinent information may delay the processing of the truancy referral.

**Student Information:** Completing full name, date of birth, gender, race, address, name of school, **student identification number**, and grade is essential. This information is needed if a petition or warrant are ever necessary. If the child is in 9<sup>th</sup> through 12<sup>th</sup> grade, it is necessary to know how many credits they have accumulated toward graduation and how many credits are required by the school to graduate. This gives us a better idea of whether or not the child is on track to graduate with his/her class.

**Family Information:** Names and addresses of both parents are needed if the school has access to that information. If a petition is needed, it is required by law that both biological parents are served. If the legal guardian is other than the parent, please reflect that information accordingly. Stepparent information or marital status information may be included on the first section of the last page.

Please include any language barrier information under this section. This will provide us with the necessary information to arrange for interpreter services for diversion meetings and/or court dates if necessary.

**Dates of Truancy:** For children 12 years or older, it is necessary that absences have occurred on seven different days, but may be only for partial days. These individual days must be listed indicating the missed class periods. Please **do not** simply put “see attached” and attach the attendance print out. This does not give us the information we need to prove the truanies, and individualized coding used by the schools are difficult to interpret.

**Parent/Student Comments:** It is necessary that comments be provided. If a petition is filed with the courts, we must be able to prove that it is by the child’s own willfulness that they are absent. This is best done by the school addressing the missed hours/days with the parent and child. Where this becomes crucial is in cases where the child may be telling the school staff that they were ill. When a parent is contacted, they tell the school staff that the child was not ill, they refused to go to school. We would then count that day as being an unexcused day. If the school is unable to reach the parent, we would ask that the attempt to contact be made on the form. In addition, if the child refuses to respond to the inquiry of where they were, “refused to comment” can be indicated on the form. The only exception to this section being completed may be when the child has not returned to school; such as they are a runaway and have

not returned to respond to the school. Then indication should be made in Student Comment that “has not returned to school”. See the following sample.

**THE UNDERSIGNED STATES AND INFORMS THE COURT THAT THE ABOVE NAMED CHILD HAS BEEN ABSENT FROM CLASSES WITHOUT LAWFUL EXCUSE ON THE DATES AND TIMES BELOW.**

	Dates of <b>Truancy</b>	Hours <b>1 2 3 4 5 6 7</b>							Parent's <b>Comments</b>	Student's <b>Comments</b>
1	09/20/04	X	X	X	X	X	X	X	Left message @ work. No return call	I didn't feel like going
2	09/18/04	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	X	X	X	<input type="checkbox"/>	Should have been in school	Refused to comment
3	10/01/04	X	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Missed the bus	Missed the bus
4	10/15/04	X	X	X	X	X	X	X	I needed her at home	I had to baby-sit
5	10/28/04	X	X	X	X	X	X	X	Refused to get up	Was sick
6	11/01/04	<input type="checkbox"/>	<input type="checkbox"/>	X	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Should have been in class	Girlfriend having problems
7	11/03/04	X	X	X	X	X	X	X	Ran away	Has not returned to school

**School Signatures:** Note: there are three lines for school representatives. The first is printing the name and title of the person who will be notified of and attending court hearings. The second line is for that person's signature and phone number. The third line is for a contact person, (if different than the representative), if questions regarding the case should arise. Complete this information if the contact person is different from the person who will be attending the hearings.

**Attendance:** Completing this allows us to observe any pattern of absenteeism.

**Prior Intervention:** We ask that you take the time to complete this section by checking all interventions that have been tried by the school. This will assist staff in assessing the appropriate level of intervention and avoid any duplication that the school may have already tried. **Please note that if a letter was mailed to the parent(s) advising them that illness needed to be verified either by the school nurse or by a doctor's note, please check the appropriate box and attach a copy of the letter to the referral.**

**Academic Behavior History:** We ask that you take the time to complete this section to give us an idea as to when a change took place in the child. Please attach a copy of the child's last report card as well as standardized test results.

**Student/Family Information:** Again, we request you take the time to check all that apply. As you know, in most truancy, there are underlying issues. Completing this will give the diversion worker an idea of any change in family life that may contribute to the child's truancy.

**Health Concerns:** Again, we request you take the time to check all that apply. As you know, in most truancy, there are underlying issues. Completing this will give the diversion worker an idea of any change in family life that may contribute to the child's truancy.

### **Completing the Notice of Continuing Habitual Truancy Form:**

This form is only one page long. It will again ask for Student Information and Family Information. We ask that the school continue to complete this information, as frequently the information will have changed from the time the initial referral was sent. Please update pertinent information including credits earned. This form only requires three unexcused absences. Again, the missed days, class periods and Parent and Student comment sections need to be completed. There is a spot on this form for the school to give us any relevant information that may have changed since the first referral was sent. This is helpful to the worker as unless the school contacts them, they often are unaware of the student's attendance once the diversion meeting is held.

### **The Form is Complete. Now what?**

Once the form is completed, you may refer it along with pertinent attachments to the Dakota County Attorney's Office by mail, fax or email.

**Mail to:** Dakota County Attorney's Office  
Attn: Donna Olsen  
1560 Highway 55  
Hastings, MN 55033

**Fax to:** Dakota County Attorney's Office  
Attn: Donna Olsen Legal Assistant  
(651) 438-4479

**Email to:** [donna.olsen@co.dakota.mn.us](mailto:donna.olsen@co.dakota.mn.us)

### **What Happens once Referral is Sent in?**

Once the referral is received by the Dakota County Attorney's Office, it is reviewed to determine if it is legally sufficient. This means that it is reviewed to determine that there is a pattern of truancy under the definition provided by law and there is supporting evidence to prove the case in court. If there is something missing from the referral, the contact person listed on the referral will be contacted and instructed what the problem is along with how it can be corrected.

If the form is legally sufficient, it will be referred to the appropriate county worker to set up a diversion meeting. This may be a School Success worker, social worker or probation officer. Contact should be made to the school within 2-3 weeks to set up a diversion meeting with the parent/guardian, child and school staff.

**Petitioning:** Petitioning the child into CHIPS court may result when all other resources are exhausted. It is our goal to re-engage the child into school without court intervention. The county worker that is working with the child and parents will make the ultimate decision of whether or not to petition a child into court. The school and/or parent will often make a recommendation to the worker relative to this decision.